

THE STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

DW 06-075

ORDER OF NOTICE

On May 18, 2006, Lakeview Water Co., Inc. (Lakeview) filed with the New Hampshire Public Utilities Commission (Commission) a petition for authority to discontinue service as a public utility. Lakeview is a regulated water utility located in Alton and which originally served twenty-two (22) customers. Lakeview was first authorized to provide water service in 1992 as Bachelor Mountain Estates, Inc. (BME). *See Bachelor Mountain Estates, Inc.*, 77 NH PUC 694 (1992). BME, founded as a land sales company, divested itself of the water utility in 1994 and the Commission approved the establishment of Lakeview that same year. *See Bachelor Mountain Estates, Inc.*, 79 NH PUC 677 (1994). Lakeview's permanent flat annual water rate of \$414.81 was authorized by the Commission in *Lakeview Water Co.*, 80 NH PUC 365 (1995).

According to Lakeview, eleven of the 22 customers have installed their own wells, leaving only eleven customers taking service. Lakeview states that due to the reduced number of customers it is unable to pay its expenses and is now in debt. Lakeview advises the Commission that it notified its customers in February of this year of its worsening financial circumstances and of the possibility it might cease providing water service.

The filing raises, inter alia, issues related to RSA 374:22 and whether it is in the public interest for Lakeview to continue operating as a public utility and issues related to RSA

374:1 and Lakeview's ability to continue to provide safe and adequate service to its remaining customers.

Based upon the foregoing, it is hereby

ORDERED, that a Prehearing Conference, pursuant to N.H. Admin. Rules Jus 807.05, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on June 30, 2006 at 9:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition and any of the issues set forth in N.H. Code Admin. Rule Jus 807.05 shall be considered; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, Lakeview, the Staff of the Commission and any intervenors hold a technical session to review the petition and allow Lakeview to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that Lakeview serve a copy of this Order of Notice on all former and current customers of Lakeview and the Clerk of the Town of Alton, New Hampshire, by first class U.S. Mail, postmarked no later than June 14, 2006; and it is

FURTHER ORDERED, that any party seeking to intervene in the proceeding shall submit to the Commission an original and eight copies of a Petition to Intervene with copies sent to Lakeview and the Office of the Consumer Advocate on or before June 27, 2006, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Code Admin. Rules Jus 809.01 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before June 30, 2006; and it is

FURTHER ORDERED, that, pursuant to N.H. Code Admin Rules Jus 807.03(a)(5), each party has the right to have an attorney represent them at their own expense; and it is

FURTHER ORDERED, that, pending readoption of the Commission's procedural rules, N.H. Code Admin. Rules Puc 200, Jus 800 Model Rules of Practice and Procedure shall apply to this proceeding pursuant to RSA 541-A:30-a.

By order of the Public Utilities Commission of New Hampshire this sixth day of June, 2006.

Debra A. Howland
Executive Director & Secretary

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.